

Senate Engrossed
expungement of misdemeanor records

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1140

AN ACT

AMENDING TITLE 13, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-922; AMENDING SECTION 22-125, ARIZONA REVISED STATUTES; RELATING TO MISDEMEANOR OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 9, Arizona Revised Statutes, is
3 amended by adding section 13-922, to read:

4 13-922. Misdemeanor records; expungement

5 A. NOTWITHSTANDING SECTION 8-348 OR 13-905, A PERSON MAY FILE A
6 PETITION WITH THE COURT FOR AN EXPUNGEMENT OF THE PERSON'S RECORD AS
7 FOLLOWS:

8 1. THREE YEARS AFTER THE DATE OF THE PERSON'S ARREST IF THE PERSON
9 WAS ARRESTED FOR A MISDEMEANOR OFFENSE AND NO CHARGES WERE FILED.

10 2. THREE YEARS AFTER THE DATE OF THE DISMISSAL IF THE PERSON WAS
11 CHARGED WITH A MISDEMEANOR OFFENSE AND THE CHARGE WAS SUBSEQUENTLY
12 DISMISSED.

13 3. THREE YEARS AFTER THE DATE OF THE NOT GUILTY VERDICT IF THE
14 PERSON WAS CHARGED WITH A MISDEMEANOR OFFENSE AND THE CHARGE RESULTED IN A
15 NOT GUILTY VERDICT.

16 4. FIVE YEARS AFTER THE DATE OF THE FULFILLMENT OF THE CONDITIONS
17 OF THE PERSON'S PROBATION OR SENTENCE AND DISCHARGE BY THE COURT IF THE
18 PERSON WAS CONVICTED OF A MISDEMEANOR OFFENSE.

19 B. THE PETITION MUST INCLUDE THE FOLLOWING:

20 1. WHETHER THE PETITIONER:

21 (a) WAS ARRESTED FOR A MISDEMEANOR OFFENSE AND NO CHARGES WERE
22 FILED.

23 (b) WAS CHARGED WITH A MISDEMEANOR OFFENSE AND THE CHARGE WAS
24 SUBSEQUENTLY DISMISSED OR RESULTED IN A NOT GUILTY VERDICT.

25 (c) WAS CONVICTED OF A MISDEMEANOR OFFENSE AND HAS FULFILLED THE
26 CONDITIONS OF SENTENCE OR ANY TERM OF PROBATION.

27 (d) HAS ANY ADDITIONAL ARRESTS OR CONVICTIONS.

28 (e) HAS OBTAINED A PRIOR EXPUNGEMENT UNDER THIS SECTION.

29 2. ANY WRITTEN RECOMMENDATION IN SUPPORT OF EXPUNGEMENT THAT IS
30 PROVIDED BY A THIRD PARTY.

31 C. THE PERSON SHALL FILE A PETITION TO EXPUNGE ALL CASE RECORDS IN
32 ONE OF THE FOLLOWING:

33 1. THE COURT IN WHICH THE PERSON WAS CONVICTED OF AN OFFENSE.

34 2. THE COURT IN WHICH AN INDICTMENT, INFORMATION, CRIMINAL CITATION
35 OR COMPLAINT AGAINST THE PERSON WAS FILED AND THE CHARGES WERE DISMISSED,
36 THE PERSON WAS FOUND NOT GUILTY OR THE PERSON'S CONVICTION WAS VACATED,
37 EXCEPT THAT IF THE COMPLAINT WAS FILED IN A JUSTICE COURT AND A SUBSEQUENT
38 INFORMATION WAS FILED, THE PETITION MUST BE FILED IN THE SUPERIOR COURT.

39 3. THE COURT IN WHICH THE PERSON HAD AN INITIAL APPEARANCE IF
40 CHARGES WERE NOT FILED.

41 4. THE SUPERIOR COURT IN THE COUNTY WHERE A PERSON WAS ARRESTED IF
42 THE PERSON DID NOT HAVE AN INITIAL APPEARANCE AND NO CHARGES WERE FILED.

43 D. THE COURT SHALL REQUIRE THE PETITIONER TO ATTEST TO THE
44 FOLLOWING AND SHALL DENY A PETITION FOR EXPUNGEMENT IF THE COURT FINDS
45 THAT EITHER OF THE FOLLOWING APPLIES:

1 1. THE PETITIONER HAS PENDING OR UNRESOLVED MATTERS IN ANY COURT OR
2 JURISDICTION IN THIS STATE OR ANOTHER STATE.

3 2. THE PETITIONER HAS NOT PAID FULL RESTITUTION OR OTHER
4 COURT-ORDERED MONETARY OBLIGATIONS.

5 E. THE COURT MAY NOT GRANT OR DENY A PETITION TO EXPUNGE A PERSON'S
6 CASE RECORDS UNTIL SIXTY CALENDAR DAYS AFTER THE COURT RECEIVES THE
7 PETITION UNLESS THE COURT RECEIVES NOTICE THAT BOTH THE PROSECUTOR AND ALL
8 VICTIMS WHO HAVE MADE A REQUEST FOR POSTCONVICTION NOTICE DO NOT OBJECT TO
9 THE PETITION. UNLESS THE PETITIONER, PROSECUTOR OR VICTIM REQUESTS A
10 HEARING, THE COURT MAY GRANT OR DENY A PETITION TO EXPUNGE CASE RECORDS
11 WITHOUT A HEARING. THE COURT MAY DISMISS A PETITION THAT DOES NOT MEET
12 THE REQUIREMENTS PRESCRIBED IN THIS SECTION WITHOUT A HEARING. THE COURT
13 SHALL GRANT THE PETITION IF THE COURT DETERMINES THAT GRANTING THE
14 PETITION IS IN THE BEST INTERESTS OF THE PETITIONER AND THE PUBLIC'S
15 SAFETY. THE COURT SHALL PROVIDE A COPY OF THE PETITION TO EXPUNGE CASE
16 RECORDS TO THE PROSECUTOR. THE PROSECUTOR MAY RESPOND TO THE PETITION AND
17 REQUEST A HEARING. THE VICTIM HAS A RIGHT TO BE PRESENT AND HEARD AT ANY
18 PROCEEDING IN WHICH THE DEFENDANT HAS FILED A PETITION TO EXPUNGE CASE
19 RECORDS. IF THE VICTIM HAS MADE A REQUEST FOR POSTCONVICTION NOTICE, THE
20 PROSECUTOR SHALL PROVIDE THE VICTIM WITH NOTICE OF THE DEFENDANT'S
21 POSITION AND OF THE VICTIM'S RIGHTS UNDER THIS SECTION.

22 F. IF THE COURT GRANTS THE PETITION FOR EXPUNGEMENT, ALL OF THE
23 FOLLOWING APPLY:

24 1. THE COURT SHALL:

25 (a) ISSUE A SIGNED ORDER EXPUNGING THE RECORD.

26 (b) NOTIFY THE DEPARTMENT OF PUBLIC SAFETY, THE PROSECUTING AGENCY
27 AND THE ARRESTING LAW ENFORCEMENT AGENCY, IF APPLICABLE, OF THE
28 EXPUNGEMENT ORDER.

29 (c) SEAL THE PETITIONER'S RECORDS RELATING TO THE EXPUNGED ARREST,
30 CHARGE, ADJUDICATION, CONVICTION OR SENTENCE AND ALLOW THE RECORDS TO BE
31 ACCESSED ONLY BY THE PERSON WHOSE RECORD WAS EXPUNGED, THE PERSON'S
32 ATTORNEY OR THE DEPARTMENT OF PUBLIC SAFETY CENTRAL STATE REPOSITORY.

33 2. THE COURT, IN ITS ORDER SHALL:

34 (a) VACATE THE PETITIONER'S JUDGMENT OF ADJUDICATION OR CONVICTION.

35 (b) STATE THAT THE PETITIONER'S ARREST, CHARGE, ADJUDICATION,
36 CONVICTION AND SENTENCE RECORDS ARE EXPUNGED.

37 3. THE DEPARTMENT OF PUBLIC SAFETY SHALL SEAL AND SEPARATE THE
38 EXPUNGED RECORD FROM ITS RECORDS.

39 4. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY IDENTIFY IN
40 EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE PETITIONER'S ARREST,
41 CHARGE, ADJUDICATION, CONVICTION AND SENTENCE ARE EXPUNGED AND MAY NOT
42 MAKE ANY RECORDS OF THE EXPUNGED ARREST, CHARGE, ADJUDICATION, CONVICTION
43 OR SENTENCE AVAILABLE AS A PUBLIC RECORD TO ANY PERSON EXCEPT TO THE
44 PERSON WHOSE RECORD WAS EXPUNGED, THAT PERSON'S ATTORNEY OR THE DEPARTMENT
45 OF PUBLIC SAFETY CENTRAL STATE REPOSITORY.

1 G. AN ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE THAT IS
2 EXPUNGED PURSUANT TO THIS SECTION MAY NOT BE USED IN A SUBSEQUENT
3 PROSECUTION BY A PROSECUTING AGENCY OR COURT FOR ANY PURPOSE.

4 H. UNLESS OTHERWISE PROVIDED BY LAW, A PERSON WHOSE RECORD IS
5 EXPUNGED PURSUANT TO THIS SECTION MAY RESPOND TO ANY INQUIRY AS THOUGH THE
6 CONVICTION DID NOT EXIST. THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO
7 IS SEEKING EMPLOYMENT AS A PEACE OFFICER WITH A LAW ENFORCEMENT AGENCY,
8 AND THE LAW ENFORCEMENT AGENCY MAY REQUEST A COPY OF THE PERSON'S SEALED
9 COURT RECORDS. THE LAW ENFORCEMENT AGENCY SHALL KEEP THESE RECORDS
10 CONFIDENTIAL AND SHALL DESTROY THESE RECORDS AFTER THE HIRING PROCESS IS
11 COMPLETE.

12 I. THIS SECTION DOES NOT APPLY TO ANY PERSON WHO IS CONVICTED OF:

13 1. A VIOLATION OF SECTION 13-3601, CHAPTER 14 OR 35.1 OF THIS
14 TITLE, TITLE 28, CHAPTER 4 OR A VIOLENT CRIME AS DEFINED IN SECTION
15 13-901.03.

16 2. A VIOLATION OF ANY FELONY OFFENSE OR AN OFFENSE LISTED IN
17 PARAGRAPH 1 OF THIS SUBSECTION THAT WAS CHARGED IN CONJUNCTION WITH THE
18 MISDEMEANOR OFFENSE THAT IS THE SUBJECT OF THE EXPUNGEMENT PETITION.

19 Sec. 2. Section 22-125, Arizona Revised Statutes, is amended to
20 read:

21 22-125. Justice of the peace compensation; judicial
22 productivity credits; annual report; definitions

23 A. The annual salary of each justice of the peace is determined by
24 the total judicial productivity credits of each court as reported in
25 statistics compiled by the Arizona supreme court.

26 B. Judicial productivity credits shall be determined according to
27 the following formula:

28 1. All civil filings divided by ten equals _____ judicial
29 productivity credits.

30 2. All felony counts filed divided by ten equals _____
31 judicial productivity credits.

32 3. Except for counts described in paragraph 4 of this subsection,
33 all misdemeanor counts filed divided by ten equals _____ judicial
34 productivity credits.

35 4. All counts filed that allege a violation of title 5, chapter 3,
36 article 10, title 28, chapter 4, article 3 or section 28-8282 divided by
37 five equals _____ judicial productivity credits.

38 5. All civil traffic counts filed divided by sixty equals
39 _____ judicial productivity credits.

40 6. All petitions for a protective order filed divided by five
41 equals _____ judicial productivity credits.

42 7. All civil marijuana counts filed divided by sixty equals
43 _____ judicial productivity credits.

44 8. All petitions to expunge filed pursuant to section 13-922 OR
45 36-2862 divided by sixty equals _____ judicial productivity credits.

1 C. Beginning January 1, 2018, the Arizona supreme court shall
2 annually perform the calculations required by subsection B of this section
3 for each justice court for the previous twelve-month period ending on June
4 30 to determine the total judicial productivity credits. The Arizona
5 supreme court shall report the total judicial productivity credits for
6 each justice court to the applicable board of supervisors within one
7 hundred twenty days after the end of each twelve-month period. Any
8 adjustment to the salary of a justice of the peace is effective on the
9 following January 1.

10 D. Each justice of the peace shall be paid a percentage of the
11 salary of a superior court judge based on the following schedule:

12 1. Five hundred or more judicial productivity credits equals
13 seventy percent.

14 2. Two hundred or more but less than five hundred judicial
15 productivity credits equals sixty-five percent.

16 3. One hundred fifty or more but less than two hundred judicial
17 productivity credits equals fifty-five percent.

18 4. One hundred or more but less than one hundred fifty judicial
19 productivity credits equals fifty percent.

20 5. Fifty or more but less than one hundred judicial productivity
21 credits equals forty-five percent.

22 6. Twenty-five or more but less than fifty judicial productivity
23 credits equals thirty-five percent.

24 7. Twenty-four or fewer judicial productivity credits equals
25 twenty-five percent.

26 E. If a justice court is not assigned clerical help, the board of
27 supervisors shall multiply the total judicial productivity credits by two
28 for purposes of determining the salary of the justice of the peace.

29 F. If the board of supervisors divides a justice precinct into two
30 or more precincts, the board shall set the salary of the justice of the
31 peace of each precinct equal to the highest salary of any of the justices
32 of the peace whose precinct is affected by the division. The salary of
33 each justice of the peace shall be adjusted at the end of the first full
34 calendar year after the precincts are divided.

35 G. The board of supervisors shall review and adjust the annual
36 salary for each justice of the peace within the county pursuant to
37 subsection D of this section every year beginning January 1, 2019.

38 H. The judicial productivity credits for a justice court precinct
39 shall not exceed twelve hundred credits. If the total judicial
40 productivity credits of a justice court precinct exceed twelve hundred
41 credits, the county board of supervisors shall create sufficient courts,
42 or redraw the justice court precinct boundaries according to section
43 22-101, in order to reduce the judicial productivity credits for any
44 precinct which exceeds that limit.

1 I. Except as provided in subsection F of this section, the salary
2 of a justice of the peace may not be reduced during the term in office of
3 the justice of the peace and, if a justice of the peace serves consecutive
4 terms, the salary of the justice of the peace may not be reduced before
5 the start of the consecutive term by more than one tier pursuant to
6 subsection D of this section.

7 J. A filing against a juvenile is determined in the same manner as
8 a similar filing against an adult.

9 K. For the purposes of this section:

10 1. "Civil filing" means a lawsuit, eviction action, petition for
11 provisional remedy or other civil petition, small claims case or civil
12 local ordinance.

13 2. "Civil traffic count" means a traffic violation that is not
14 filed as a misdemeanor or felony.

15 3. "Felony" includes each felony count that is filed in a
16 complaint.

17 4. "Misdemeanor" includes each misdemeanor and petty offense count
18 that is filed in a complaint or uniform traffic ticket and complaint.

19 5. "Protective order" means a petition for an order of protection,
20 an injunction against harassment or workplace harassment or a peace bond.

21 Sec. 3. Effective date

22 Section 13-922, Arizona Revised Statutes, as added by this act, is
23 effective from and after December 31, 2026.